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February 11, 2011

FILE NO: 77408.2

Via ECF

The Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Dell's Maraschino Cherries Co., Inc. v. Shoreline Fruit Growers, Inc.*
Case No. 10-03789 (ILG) (RER)
United States District Court, Eastern District of New York

Dear Judge Reyes:

This law firm is counsel to Dell's Maraschino Cherries Co., Inc. (the "Plaintiff") in the above-referenced case. The purpose of this letter is to request the entry of the revised scheduling order attached hereto (the "Proposed Scheduling Order") on consent from both parties.

On September 30, 2010, the Court entered an order [Docket No. 13] (the "Original Scheduling Order") which set forth certain deadlines for discovery and related status conferences. On February 9, 2011, the undersigned submitted a letter (i) requesting the adjournment of a status conference that was previously scheduled for February 10, 2011, and (ii) advising the court that the parties had agreed in principle to a revised discovery schedule. Also on February 9, 2011, the Court entered an order granting the adjournment of the status conference, and directing the parties to jointly file a revised scheduling order by no later than February 14, 2010.

In compliance with the Court's instructions, enclosed herewith for consideration is the Proposed Scheduling Order on which both parties to this action have indicated their consent. If entered, the Proposed Scheduling Order would extend several of the deadlines set forth in the Original Scheduling Order by approximately two months. Other than the adjournment of the status conference as indicated above, the parties have made no previous requests for the adjournment of discovery deadlines. Accordingly, we respectfully request the entry of the Proposed Scheduling Order.



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If you have any questions, please do not hesitate to contact me at the above number. Thank you in advance for your consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert A. Rich".

Robert A. Rich

Enclosure

cc: Bruce Levinson, Esq. (counsel for the Defendant)
Gregory Brown, Esq. (counsel for the Defendant)
Robert M. Tata, Esq. (counsel for the Plaintiff)
(all via electronic mail)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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Dell's Maraschino Cherries Co., Inc.,
Plaintiff,

ORDER
10-CV-03789 (ILG)(RER)

against-

Shoreline Fruit Growers, Inc,
Defendant.

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Upon consent of the parties, it is hereby ORDERED as follows:

1. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before March 18, 2011.
 - (b) rebuttal expert witnesses on or before April 29, 2011.
2. All discovery, including depositions of experts, shall be completed on or before July 8, 2011.
3. Pre-motion letters regarding proposed dispositive motions must be submitted within two (2) weeks following the close of all discovery.
4. Status Conference will be held on May 11, 2011 at 10:00 a.m. (prevailing Eastern Time)
5. A Final Pre-trial conference will be held on July 15, 2011 at 10:00 a.m. (prevailing Eastern Time)

Dated: Brooklyn, New York
February __, 2011

RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO:

/s/ Robert A. Rich

Bob M. Tata (admitted *pro hac vice*)

Robert A. Rich

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Maraschino Cherries Co., Inc.

/s/ Bruce Levinson

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*Attorney for Defendant Shoreline Fruit
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